

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 11, 2000

DIVISION ONE

B140452 Universal Studios, Inc., et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Ware, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of April 5, 2000, denying defendant's peremptory challenge, and to issue a new and different order in Los Angeles Superior Court case No. BC222383, entitled Rick Ware v. Universal Studios, Inc., et al., reassigning the case to a judge other than Honorable Marlene Kristovich. In all other respects, the petition is denied. All parties shall bear their own costs.

Spencer, P.J., Ortega, J., Masterson, J.

DIVISION TWO

B134421 Navistar International (Not for Publication)
v.
Royal Insurance Company

The order of the trial court denying the insurer's petition for arbitration under section 2860 is reversed and the trial court is directed to enter a new order compelling arbitration. Costs to appellant.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
Cooper, J.

DIVISION TWO (Continued)

B135149 Mary S. Ledding (Not for Publication)
 v.
 Edward Ledding

The lower court's order dated July 15, 1999 is modified to reflect deductions for husband of \$5991.68, a resultant guideline monthly child support amount of \$2,808.60 (allocated equally among the two children), and an unallocated \$300 in monthly additional support for child care related to employment, commencing on and retroactive to March 1, 1997. In all other respects the lower court's orders and findings are affirmed. Each party to bear his or her own costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

B137915 People (Not for Publication)
 v.
 Miller

The Court:

The judgment is affirmed.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)

B127689 People (Not for Publication)
 v.
 Alvarado

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION THREE

B131400 Los Angeles County, D.C.F.S.
v.
Seleaner S.

On the court's own motion rehearing granted in the above entitled case.
Cause resubmitted.

Add to the minutes of Feb. 28, 2000 the following:

B122176 Community Redevelopment Agency
v.
World Wide Enterprises, Inc.

Filed order granting petition for rehearing. Cause to be resubmitted on May 1, 2000.

Add to the minutes of March 22, 2000 the following:

B122176 Community Redevelopment Agency
v.
World Wide Enterprises, Inc.

Pursuant to stipulation, the appeal is dismissed.

DIVISION FOUR

B128774 People (Not for Publication)
v.
Benson

For the foregoing reasons, the verdict of guilt and true findings on prior convictions are affirmed, and the matter is remanded for rehearing of appellant's request that the trial court exercise its discretion to strike and for resentencing in the event that request is granted.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B132850 Newman (Certified for Publication)
v.
Newman

The order is reversed. Wife shall have her costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B133077 Cabinda LLC (Certified for Publication)
v.
Santa Monica Rent Control Board

The order is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

[illegible]

The conviction is modified to delete imposition of a five-year enhancement under section 667, subdivision (a), and the abstract of judgment is deemed revised to so reflect. In all other respects the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Berle, J. (Assigned)

B136652 Torres (Certified for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The petition for writ of mandate is granted, and the trial court is ordered to vacate its order setting an in camera hearing on the People's claim of privilege.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B133580 People (Not for Publication)
v.
Ralph Cornelius Johnson

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B130215 Edna Stewart et al. (Not for Publication)
v.
Community Redevelopment Agency of the City of Los Angeles et al.

The judgments in favor of the cross-defendants are affirmed. Cross-defendants, the Community Redevelopment Agency of the City of Los Angeles, the City of Los Angeles, Repo Properties, Inc., Swing Loans, Inc., S & J College Fund, and Martin Mayerfeld, individually and as president of Repo Properties, Inc., are to recover their costs on appeal, jointly and severally, from cross-complainants, Neal Stewart, Edna Stewart, Valerie Stewart, and the Ebony Showcase Theater and Cultural Arts Center.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B122726 Robert Tullio (Not for Publication)
v.
Henrietta L. Tullio

The April 28, 1998, order is affirmed insofar as it requires husband and his attorney to pay \$1,000 to wife's counsel pursuant to Code of Civil Procedure section 473; in all other respects, the April 28, 1998, order is reversed. The matter is remanded to the trial court for a hearing on the merits of Robert Tullio's claim to a \$21,000 credit. In addition, the trial court is directed to determine whether Mr. Tullio has had a hearing on the merits of his claim under *In re Marriage of Trainotti*, supra, 212 Cal.App.3d at page 1075. Robert Tullio is to recover his costs on appeal from Henrietta L. Tullio.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B131983 People (Not for Publication)
v.
Charles Sly

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B130771 People (Not for Publication)
v.
Willie Lee Egans Jr.

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B134394 People (Not for Publication)
v.
Ezequiel G.

The order is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B137791 People (Not for Publication)
v.
Antonio Huerta

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B134766 People (Not for Publication)
v.
Oscar Yusseff Palma

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B131090 Northridge Hospital Medical Center (Not for Publication)
 v.
 Jack Willis

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B135816 People (Not for Publication)
 v.
 Alfredo Zavala

The conviction for false imprisonment is stricken. The matter is remanded to permit the trial court to pronounce sentence on the kidnapping conviction, in accordance with its minute order and abstract of judgment and this opinion. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B135929 People (Not for Publication)
 v.
 Aaron J.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B138579 Justin G. (Not for Publication)

V.

Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

Let a peremptory writ of mandate issue commanding the trial court to set aside its order of January 26, 2000 and enter an order placing Justin with his aunt, Earlene F. for a period of no less than 90 days; and to vacate its order setting the section 366.26 hearing for May 23, 2000, and enter an order continuing the hearing to an appropriate date after the completion of the visit.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B136065 People (Not for Publication)

V.

Matthew M.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B135095 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Robert P.
In re Jerrod P.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B127343 Sander Richman (Not for Publication)
 v.
 Department of Water and Power

The appeal from the judgment is dismissed as untimely. The postjudgment order awarding costs is affirmed. Richman is to pay defendants' costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B125058 Tab v. Khani
B131726 Estrada v. Department of Motor Vehicles

Argument waived, cause submitted.

B136880 Hinn
 v.
 Department of Motor Vehicles

Merits:
Argued by Philip A. Iadevaia for appellant and by Michael E. Whitaker for respondent. Cause submitted.

DIVISION SIX (Continued)

B131567 Weidmann
 v.
 May Department Stores

Merits:
Argued by William Dunlap, Jr. for appellant and by John S. Curtis for respondents. Cause submitted.

B131396 McClure
 v.
 Crawford

Merits:
Argued by David K. Hughes for appellants/cross-respondents and by Ian M. Guthrie for respondents/cross-appellants. Cause submitted.

Court recessed at 10:15 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B127698 People v. Jones
B129969 People v. Fiorella
B130986 People v. Lima
B131492 People v. Williams
B132413 People v. Blanks
B132487 People v. Klein
B132605 People v. Brazfield
B132722 People v. Corpuz
B132771 People v. Barnes
B132819 People v. Pangelinan
B132896 People v. Rocha
B132864 People v. Jackson
B133289 People v. Deminico
B133355 People v. Howell

DIVISION SIX (Continued)

Each of the following (continued):

B133769 People v. Maldonado
B134077 People v. McIntosh
B134612 People v. Franco
B134734 People v. Dammeieer & Woods
B134985 People v. Uribe
B135781 People v. Pino
B135797 People v. Brian Christopher R.
B135819 People v. Kenny Lamar N.
B135978 People v. Warwick
B136024 People v. Johnson
B136227 People v. Winston
B136239 People v. Shaw
B136834 People v. Morales

Argument waived, cause submitted.

B127923 People
 v.
 Raiolo

Argument continued to June 2000 calendar.

B133673 People
 v.
 Lee

Argument continued to June 2000 calendar.

B134227 People
 v.
 Kinnamon

Merits:

Argued by Susan B. Lascher for appellant and by Stephen A. McEwen, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B133449 People
 v.
 Byrd

Merits:

Argued by Allen G. Weinberg for appellant via video conference and by Stephen A. McEwen, deputy attorney general, for respondent via video conference. Cause submitted.

B131648 People
 v.
 Mullins

Merits:

Argued by Daniel G. Koryn for appellant and by Kyle S. Brodie, deputy attorney general, for respondent via video conference. Cause submitted.

B130068 People
 v.
 Neff

Merits:

Argued by Susan S. Bauguess for appellant and by Susan S. Kim, deputy attorney general, for respondent via video conference. Cause submitted.

B135939 People
 v.
 Velasquez

Merits:

Argued by Wayne C. Tobin for appellant and by Hye Yang, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B123709 People
 v.
 Spiteri

Merits:

Argued by Richard Lennon for appellant and by Juliet H. Swoboda, deputy attorney general, for respondent via video conference. Cause submitted.

B126752 People
 v.
 Moralez

Merits:

Argued by Lyn A. Woodward for appellant and by Scott A. Taryle, deputy attorney general, for respondent via video conference. Cause submitted.

Yegan, J. left the bench.

B130403 People
 v.
 Kohl

Merits:

Argued by Gerald McC. Franklin, deputy district attorney, for appellant and by Edward M. Medvene for respondent. Cause submitted.

Court recessed at 3:35 P.M.

DIVISION SIX (Continued)

Court reconvened at 3:45 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B133359 People
 v.
 Mitchell

Merits:

Argued by Matthew P. Guasco for appellant and by Reyna M. Tanner, deputy attorney general, for respondent. Cause submitted.

Court adjourned at 4:05 P.M.

DIVISION SEVEN

B130614 Jackson
 v.
 Cohen et al.

Filed order denying petition for rehearing.